

PATENTREMARKS

Claims 1-15 and 18-20 are pending herein in which claims 16 and 17 are canceled herein. In the Office Action, the drawings were objected to as not showing features in claim 16 and 17, the specification was objected to as failing to provide antecedent basis for subject matter of claims 16 and 17, claims 11 and 12 were rejected under 35 U.S.C. §102(e) as being anticipated by US Pat. No. 6,672,240 to Aubé et al. (hereinafter "Aubé"), claims 13-15 were rejected under 35 U.S.C. §102(e) as being anticipated by US Pat. No. 5,339,225 to Wiggeman (hereinafter "Wiggeman"), and claims 16, 17 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wiggeman.

Claims 1-10 and 19 were allowed. Claim 18 was objected to as being dependent upon a rejected base claim, but would otherwise be considered allowable if re-written in independent form.

Preliminarily, the last clause of claim 1 is amended solely for clarity as follows: "wherein the accessory lamp emits light outwardly from the watercraft and is masked to control the horizontal and vertical beam sectors of emitted light from illuminating the watercraft which would otherwise cause ~~causing~~ glare to an occupant of the watercraft." Applicant respectfully submits that this amendment is made solely to clarify that the beam sectors are controlled to prevent the undesired glare and that the prior wording could potentially be misconstrued or misinterpreted as causing the undesired glare. Applicant requests approval of this amendment, which is not related to the statutory requirements of patentability as this claim was already considered allowable over the prior art.

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Applicant respectfully traverses the drawing and specification objections as they relate to claims 16 and 17.

An exemplary docking light fixture with a docking light D is shown in FIG. 33 and described beginning on page 37, line 21 of the application as filed in which a lamp 60 is added to the fixture to serve as a navigation light. As a masthead light, bulb 60 is a white light. However, on page 34, beginning on line 7, it is stated that the bulb 60 may also be a red light or a green light. As stated on page 26, beginning on line 11, the letters "R" and "G" are used to indicate red and green lights, respectively, which are employed as side marker lights as known to those skilled in the art and in accordance with the Navigation Rules. On page 5, lines 8-16, marker lights are referenced as colored lights as well as the paragraph beginning on page 32, line 7 to page 33, line 2 discussing "coloration for the red, green, white, or yellow marker lights." And such side marker lights are clearly marked in the Figures. Side marker lights are marked "R" and "G" in FIGs, 1, 3-12 and 14-16. FIGs 5, 10 and 13, also showing lights marked "R" and "G", clearly illustrate that the fixture may be mounted at the bow of the watercraft, yet on either side of the watercraft. The sides of the craft are clearly known in the nomenclature of boating as port and starboard, and thus understood by those of ordinary skill in the art.

In this manner, the Figures and the Specification clearly support a docking light fixture including a navigation light comprising either a port side marker light (claim 16) or a starboard side marker light (claim 17).

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Nonetheless, claims 16 and 17 are canceled herein. Thus, the objections to the drawings and to the specification are now moot. Applicant requests withdrawal of these objections.

Applicant respectfully traverses the §102(e) rejection of claims 11 and 12 as being anticipated by Aubé.

Applicant first objects to this rejection as being piecemeal examination in violation of MPEP 707.07(g). In the prior Office Action (mailed 05/03/04), claim 5 was only rejected under 35 USC §1112, second paragraph, as being indefinite for being dependent upon a non-existent claim (claim 42). Otherwise, claim 5 was objected to as being dependent upon a rejected base claim (assumed to be claim 1), but was *otherwise considered allowable*. Aubé was listed as the prior art of record, and it was stated that the “combination of . . . first and second accessory lamps collectively operating as a masthead light makes this disclosure unique.” In Applicant’s response in the amendment filed 09/03/04, original claim 5 was corrected to properly depend on claim 1, and was also re-written in independent form and added as another new claim 11. In this manner, claim 11 should have been allowed as specified in the prior Office Action. Furthermore, the finality of the rejection was premature with respect to these claims as not providing Applicant a suitable opportunity to reply. Applicant requests withdrawal of the finality of the rejection.

Claim 11 is nonetheless allowable over Aubé. Claim 11 recites that the first and second accessory lamps collectively are a masthead light. In the application as filed, on page 5 beginning on line 17, it is stated that “[f]orward looking white navigation lights

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with a 225 degree horizontal spread are referred to as masthead lights.” The masthead light must shine from dead ahead to at least 112.5 degrees towards the rear on either side of the boat. The basic requirement that the masthead light have a 225 degree horizontal spread is also stated on page 40, beginning on line 4, in which it is stated that “a horizontal beam spread of 112.5 degrees’ is used “to satisfy the half angle requirements of the masthead lights ....” In FIGs 1, 3, and 4 of the application as filed, the pair of white lights 50 mounted at the bow of the boat meet the beam spread requirements of a masthead light. An exemplary docking light fixture with a docking light D is shown in FIG. 33 and described beginning on page 37, line 21 of the application as filed in which a lamp 60 is added to the fixture to serve as a navigation light. The lamp 60 is positioned within the fixture to establish horizontal beam sectors 170 with an included angle of 112.5 degrees.

Contrary to that stated in the present Office Action, the lamps 11 in the pair of fixtures 158 of Aubé do not collectively comprise a masthead light as recited in claim 11. As shown by the port side perspective view of FIG. 9 of Aubé, the fixtures 158 are mounted in a recess area and masked from the sides by gunwales 17 and 18 on either side of the boat. Aubé’s FIGs 2 and 4 collectively show more clearly that the fixtures 158 are positioned between the gunwales 17 and 18 and below the upper extent of the gunwales 17 and 18 and thus cannot meet the horizontal spread requirements of a masthead light. This is further evidenced by Aubé’s FIG. 1 showing a side view of the boat (at a 90 degree perspective relative to dead-ahead), in which the gunwale 17 completely masks both fixtures 158 when viewed from either side.

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Applicant respectfully submits, therefore, that claim 11 is allowable over Aubé. Claim 12 is allowable as depending upon allowable claim 11. Applicant requests withdrawal of these rejections.

Applicant respectfully traverses the §102(e) rejection of claims 13-15 as being anticipated by Wiggerman.

Claim 13 recites a *docking light* fixture including a docking lamp positioned within and a navigation light provided on the docking light fixture. Contrary to that stated in the Office Action, Wiggerman's wand 10 is not a docking light fixture, but instead is "an improved illuminated wand structure *specifically intended* as a boat stern *running* light" (Abstract, emphases added). As understood by those of ordinary skill in the art, a running light is used at night when a boat is underway on the water or otherwise moored in the water (e.g., not docked but positioned away from the shore line, e.g., fifty feet from the shore as described in col. 1, line 38) rather than for purposes of docking the boat or while being docked. Wiggerman, col. 1, lines 34-49, specifically describes at least one problem of prior-art stern lights when the boat is moored in the water. In particular, another boat approaching the shore might otherwise easily mistake the stern light for a light emanating from the shore line. Docking lights, as known to those skilled in the art, are relatively bright, directional lights (e.g., spot lights) used to illuminate an external object, such as a dock or the shore line for purposes of docking the boat, and are specifically not used as running lights.

The upper light 40 of the wand 10 is not a docking lamp, but instead is "constructed in a manner typical with the prior art type stern running lights of the pole

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type variety” (Wiggerman, col. 5, lines 14-16). For smaller boats, this light is otherwise referred to as the “360 degree ‘all around’ light” (see application as filed, page 5, line 23) commonly known and understood by those skilled in the art. The first and second lights 30, 35 within the wand 10 are also not docking lights but are specifically used as part of the boat stern running light. As described on col. 2, lines 57-68 of Wiggerman, these internal wand lights provide additional illumination below the stern light 40 to reduce the possibility of mistaking the stern light as a light on the shore line, and this is while the boat is on the water (either underway or moored), and specifically not while the boat is docked or in the process of being docked. Thus, the lights 30, 35 are also considered running lights. Nothing about the wand 10 is intended for purposes of docking, and, in fact, the word “dock” and its various forms (e.g., docking, docked, etc) is not found in Wiggerman at all.

Applicant respectfully submits, therefore, that claim 13 is allowable over Wiggerman. Claims 14 and 15 are allowable as depending upon allowable claim 13. Applicant requests withdrawal of these rejections. Applicant further requests withdrawal of the objection to claim 18, as it is also allowable as depending upon claim 13.

Applicant respectfully traverses the §103(a) rejection of claims 16, 17 and 20 as being unpatentable over Wiggerman.

Notwithstanding the fact that claims 16 and 17 are canceled herein, such that this rejection is moot, claims 16 and 17 would otherwise be allowable over Wiggerman so that this rejection is improper and should be withdrawn. First, these claims are allowable as depending upon allowable claim 13. Second, as stated above, Wiggerman’s wand 10

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is not a docking light fixture, but instead is an improved illuminated wand structure specifically intended as a boat stern running light. And Wiggerman's wand 10 is not shown or described as operating as side marker lights.

As recited in Applicant's prior amendment, claim 20 is similar to claim 13 except directed to the watercraft itself. Claim 20 is allowable over Wiggerman for similar reasons as recited above for claim 13.

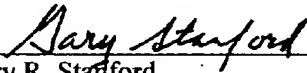
PATENTCONCLUSION

Applicant respectfully submits that for the reasons recited above and for various other reasons, the objections and rejections have been overcome and should be withdrawn. Applicant respectfully submits therefore that the present application is in a condition for allowance and reconsideration is respectfully requested. Should this response be considered inadequate or non-responsive for any reason, or should the Examiner have any questions, comments or suggestions that would expedite the prosecution of the present case to allowance, Applicants' undersigned representative earnestly requests a telephone conference.

Respectfully submitted,

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